

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.usplo.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,491	10/29/2003	Jeffrey M. Sieracki	1023-228US01	5730
28863 7590 12/20/2006 SHUMAKER & SIEFFERT, P. A.			EXAMINER	
8425 SEASON			NGUYEN, PHÙ K	
SUITE 105 ST. PAUL, MN	N 55125		ART UNIT	PAPER NUMBER
			2628	
SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
3 MONTHS		12/20/2006	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Disposition of Claims ## Disposition of		Application No.	Applicant(s)			
Phu K. Nguyen 2628 Priod for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MALING DATE OF THIS COMMUNICATION. 21 NO period for reply is specified above, the maximum statutory period will apply and will apply and will specified above, the maximum statutory period will apply and will		10/696,491	SIERACKI ET AL.			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Ententians of the may be available used the provincies of 37 CFR 1138(i) in one vent, however, may apply be threely filled on the provincies of 37 CFR 1138(i) in one vent, however, may apply be threely filled did not be provided by the provincies of 37 CFR 1138(i) in one vent, however, may apply be threely filled did not not be provided by the patients of the application to be provided by the patients of period of the province patient application. For the mailing date of this communication, Paths to represent patients and patients. Paths of the provided by the patients of the mailing date of this communication. Paths to represent the patients of the patients of the patients of the mailing date of this communication. Paths to represent the patients of the patients of the mailing date of this communication. Paths to represent the patients of the patients of the patients of the mailing date of this communication. Paths of the patients of the mailing date of this communication. Paths of the patients of the pat	Office Action Summary	Examiner	Art Unit			
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under this provisions of 37 CFR 1.138(a). In a verif, browner, may a reply to bringly find (17 to period for reply) is pecified to be considered and the communication. Period for reply is pecified above, the maximum stations period alloy and will exage 3. (8) (MONTHS from the mailing date of this communication. Period patent for may be validable under the major of the reply will be set or extensive period for reply will be yet statistic, exage the application to become ABANDONED (39 U.S.C. § 133). Assembly period patent form suburdened. See 37 CFR 1.704(b). Set to mailing date of this communication, even if filmsly field, may reduce any set to the mailing date of the communication, even if filmsly field, may reduce any set to the suburdened patent form suburdened. See 37 CFR 1.704(b). Set to mailing date of the communication, even if filmsly field, may reduce any set to the mailing date of the communication. Period patent for mailing date of the communication, even if filmsly field, may reduce any set to the mailing date of the communication. Period patent for formal patent for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-7.9-19.21-32.34-44.46.48-56.58-65.67.68.70-74.76-85.87-95.97-123 is/are pending in the application. Period patent for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Part 1.11 is/are rejected. 7) Claim(s) 1-7.9-19.21-32.34-44.46.48-56.58-65.67.68.70-74.76-85.87-95.97-123. are subject to restriction						
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 3 CFER. 1:35(a). In or event, however, may a reply be finely filed after 50x (b) MCNTIs from the realing date of this communication. Failure to reply which the set or causined period for very will by status. Failure to reply which the set or causined period for very will by status. Failure to reply which the set or causined period for very will by status. Failure to reply which the set or causined period for very will by status. Failure to reply which the set or causined period for very will by status. Failure to reply which the set or causined period for very will by status. Failure to reply which the set or causined period for very will be provided by the Science Hampson and the provided by the Cfical period of the communication. 1 □ Responsive to communication(s) filed on 10 August 2006. 2 □ This action is FINAL. 2 □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4 □ Claim(s) 1-7.9-19.21-32.34-44.46.48-56.58-55.67.68.70-74.76-85.87-95.97-123 is/are pending in the application. 5 □ Claim(s) 1-7.9-19.21-32.34-44.46.48-56.58-65.67.68.70-74.76-85.87-95.97-123 is/are pending in the application. 5 □ Claim(s) 1-7.9-19.21-32.34-44.46.48-56.58-65.67.68.70-74.76-85.87-95.97-123 are subject to restriction and/or election requirement. Application Papers 9 □ The specification is objected to by the Examiner. 10 □ The drawing(s) filed on 15/47er: a) accepted or b) □ objected to by the Examiner. Application Papers 9 □ The specification is objected to by the Examiner. 10 □ The drawing(s) filed on 15/47er: a) accepted or b) □ objected to by the Examiner. 21 □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 11		ears on the cover sheet with the c	orrespondence address			
1)⊠ Responsive to communication(s) filed on 10 August 2006. 2a)□ This action is FINAL. 2b)⊠ This action is non-final. 3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)□ Claim(s) 1-7.9-19.21-32.34-44.46.48-56.58-65.67.68.70-74.76-85.87-95.97-123 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 6)□ Claim(s) is/are allowed. 6)□ Claim(s) is/are allowed. 6)□ Claim(s) is/are allowed. 6)□ Claim(s) is/are allowed. 7)□ Claim(s) is/are objected to. 8)□ Claim(s) is/are objected to. 8)□ Claim(s) is/are objected to. 8)□ Claim(s) is/are objected to by the Examiner. 10)□ The specification is objected to by the Examiner. 10)□ The drawing(s) filed on is/are: a)□ accepted or b)□ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)□ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12)□ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)□ All b)□ Some * c)□ None of: 1.□ Certified copies of the priority documents have been received. 2.□ Certified copies of the priority documents have been received in Application No 3.□ Copies of the certified copies of the priority documents have been received. PHU K. NGUYEN PRIMARY EXAMINER GROUP 2300 1)□ Notice of Prefsperson's Patent Drawing Review (PTO-948) 3)□ Information Disclosure Statement(s) (PTO/SB108) 4)□ Interview Summary (PTO-413) Paper Nots)Wall Date	WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from to cause the application to become ABANDONED	l. ely filed he mailing date of this communication. 0 (35 U.S.C. § 133).			
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-7.9-19.21-32.34-44.46.48-56.58-65.67.68.70-74.76-85.87-95.97-123 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s)	Status	•				
4) Claim(s) 1-7.9-19.21-32.34-44,46.48-56.58-65.67.68.70-74,76-85.87-95.97-123 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 26-32.34-44.46.48.49.83-85.87-92 and 112-117 is/are rejected. 7) Claim(s) 1-7.9-19.21-32.34-44.46.48-56.58-65.67.68.70-74,76-85.87-95.97-123. are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. PHU K. NGUYEN PRIMARY EXAMINER GROUP 2300 1) Notice of References Cited (PTO-892) 1) Notice of Informal Patent Application 4) Interview Summary (PTO-413) Paper No(s)/Mail Data. Notice of Informal Patent Application	2a) ☐ This action is FINAL . 2b) ☐ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are allowed. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) is/are objected to by the Examiner. 4Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1. □ Certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in Application No 3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. PHU K. NGUYEN PHIMARY EXAMINER GROUP 2300 1) □ Notice of References Cited (PTO-932) □ Notice of References Cited (PTO-932) 1 □ Notice of Informal Patent Oppication	Disposition of Claims					
Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1 ☐ Certified copies of the priority documents have been received. 2 ☐ Certified copies of the priority documents have been received in Application No 3 ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. PHU K. NGUYEN PRIMARY EXAMINER GROUP 2300 4 ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date	4a) Of the above claim(s) is/are withdraw 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 26-32,34-44,46,48,49,83-85,87-92 and 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) 1-7,9-19,21-32,34-44,46,48-56,58-65,	vn from consideration. <u>d 112-117</u> is/are rejected.				
9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. PHU K. NGUYEN PRIMARY EXAMINER GROUP 2300 1) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Application						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. PHU K. NGUYEN PRIMARY EXAMINER GROUP 2300 1) Notice of References Cited (PTO-892) 2) Notice of Portification Disclosure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Application						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. PHU K. NGUYEN PRIMARY EXAMINER Attachment(s) Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO/SB/08)	10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).					
a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. PHU K. NGUYEN PRIMARY EXAMINER Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) 1. Notice of Informal Patent Application	Priority under 35 U.S.C. § 119					
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) GROUP 2300 4) Interview Summary (PTO-413) Paper No(s)/Mail Date Notice of Informal Patent Application	12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. PHU K. NGUYEN					
	1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da	PRIMARY EXAMINER GROUP 2300 PTO-413) le			

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-7, 8-19, 21-32, 34-44, 46, 48-56, 58-65, 67-68, 70-71 are drawn to rotation of a human body in response to a user's input, classified in class 345, subclass 649.
- II. Claims 72-74, 76-85, 87-92, 93-95, 97-105 are drawn to user's interface for mapping the input to a body surface coordinate system, classified in class 345, subclass 156.
- III. Claims 106-123 are drawn to operator interface (e.g., display with control), classified in class 700, subclass 17.

The inventions are distinct, each from the other because of the following reasons:

Inventions I-III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the Invention III is a user interface does not require the rotation of invention I or mapping of invention II. The subcombination has separate utility such as the rotation of invention I and the input mapping of invention II.

The examiner has required restriction between combination and subcombination inventions. Where applicant elects a subcombination, and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all

Art Unit: 2628

the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Claims 26-32, 34-44, 46, 48-49, 83-85, 87-92, 112-117 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a positive asserted utility or a well established utility.

The claimed "computer readable medium" is not specifically defined within the claims; it can be reasonably interpreted as "communication media, transmission medium, signal" which are non-statutory under 35 USC 101.

Claims 26-32, 34-44, 46, 48-49, 83-85, 87-92, 112-117 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a positively asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

The original disclosure does not specify what is the claimed computer readable medium.

Art Unit: 2628

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu K. Nguyen whose telephone number is (571) 272 7645. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (571) 272 7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Phu K. Nguyen

December 12, 2006

PHUK. NGUYEN PRIMARY EXAMINER GROUP 2300

Page 4